

**BOARD OF SELECTMEN
SEPTEMBER 13, 2004
REGULAR SESSION MINUTES
"APPROVED"**

Present: George F. Dillon, Jr., Chair; Peter S. Cunningham, Vice Chair; John L. Saball, Clerk; Virginia C. Wood, Member; Administrative Officer Jean E. Kitchen and Kathleen Newell, Office Assistant.

Absent: Robert W. Nordblom, Member

The Meeting opened at 7:04 p.m.

Employee Recognition 10 Years- John Senecal - Highway Department

Mr. Senecal was not present for the meeting. Mr. Dillon stated Mr. Senecal would receive a 10-year Excellence in Service pin and thanked him for his service and dedication to the Town of Groton.

Library Presentation RE: 150th Anniversary

Ms. Owen Shuman and Ms. Tucker Smith were present for this portion of the meeting.

Ms. Shuman stated the Groton Public Library had been the 8th Public Library established in the Commonwealth and was celebrating its 150th Anniversary. Ms. Smith, a volunteer on the Library Anniversary Committee, stated that the "One Book, One Groton" Celebration was a collaboration of ideas to celebrate reading, literature and a great Library. Ms. Smith explained the objective was to get all citizens to read "To Kill a Mockingbird", by Ms. Harper Lee and participate in book discussions with a grand finale of the movie "To Kill a Mockingbird" starring Gregory Peck to be shown on October 31, 2004 at the Groton School, Campbell Performing Arts Center. Ms. Shuman stated the Groton School had donated 150 copies of the book for distribution. Ms. Shuman distributed copies to the Board members inviting them to take part in the celebration.

Mr. Dillon stated it was a great idea. Mr. Cunningham expressed thanks to the Groton School for its donation and participation.

Building Maintenance RE: Filling Custodian I Position

Mr. John Estabrook and Mr. Robert McAvoy were present for this portion of the meeting.

Mr. Estabrook stated he had fifteen applications for the position of part-time custodian and felt Mr. McAvoy was the best candidate as he also works at Groton School. Mr. Estabrook introduced Mr. McAvoy stating he would be covering the Lost Lake Fire Station, Senior Center and Squannacook Hall for 16 hours per week.

Mr. Cunningham moved to approve the hiring of Robert H. McAvoy as Custodian I at Grade 3, Step 1, and effective September 14, 2004. Seconded by Mr. Saball. 4 in favor, 1 absent (Nordblom).

Attorney Robert Collins RE: Mill Street Relocation/Alignment

Attorney Robert Collins, Mr. Robert Walker, Ryan Development LLC, and Michelle Collette, Planning Administrator was present for this portion of the meeting.

Attorney Collins stated the Mill Street relocation/realignment had been approved at Town Meeting however the Planning Board had declined to endorse the plan. Attorney Collins stated he had spoken with representatives from the Land Court and the Registry of Deeds and was told a signed plan and endorsed Mylar from the Board of Selectmen would be acceptable in the absence of Planning Board endorsement. Mr. Dillon stated an area of concern is the guarantee that the work will be completed and if the Board is conveying or filing with the Registry of Deeds, that the work will be followed through.

Attorney Collins stated Mr. Walker (Ryan Development LLC) had spoken with his insurer and as Mr. Walker is a contractor and not a road builder the insurance company would be willing with a signed agreement to insure in the physical cost of \$99,500 to build the road. Attorney Collins stated he would bring the bond in tomorrow after it is signed and provide a bond for the full amount as per the Planning Board engineer specifications. Attorney Collins stated another option would be for the Board to hold the deed to parcels R and S. Attorney Collins emphasized before any work would be performed a bond would be in place as per the recommendation of town counsel Kopelman & Paige.

*Planning Board members Ana Elliot and Josh Degen joined the meeting.

Ms. Elliot stated the Planning had voted unanimously not to endorse the plan because after reviewing the site plans for Mill Run Plaza the drainage calculations did not match the third relocation plan the Planning Board had reviewed and it could not endorse the plan with discrepancies. Mr. Degen raised the concern of a potential ANR lot(s) being created and consequences of Mr. Walker not completing the job.

Attorney Collins recognized the property was confusing as shown on the maps, however the map was the one approved by Town Meeting vote as a definitive sub-division plan, and the plan had been withdrawn from the Planning Board because it lacked Planning Board approval. Attorney Collins stated the sole purpose of this endorsement is for the road relocation and the pertinent lines on the map show the exact lines of the relocation and existing Mill Street. Attorney Collins stated the order of taking takes Mr. Walker's property and gives an easement for the section being abandoned. Attorney Collins stated his client has no problem with the Board of Selectmen holding the deed and keeping the right to sign off before an easement is transferred.

Attorney Collins emphasized the drainage calculation issue was irrelevant to the relocation plan. Mr. Cunningham asked if the question about the drainage was the concern that the drainage system that was shown on the plan approved in May is not the same. The Planning Board members concurred that was their concern.

Ms. Collette stated she had spent considerable time speaking with Nitsch Engineering and would be sitting down with other members of the team tomorrow. Ms. Collette stated the only person who can post a bond is the owner of the land or who is in control of the land and the standard is to 15% contingency and require the full \$126,000.

Attorney Collins stated the road builder and Ryan Development would be posting the bond. Mr. Walker stated the insurer would bond the amount of the project, not an arbitrary amount. Mr. Walker further stated it would be a 100% performance bond to the cost of the project. Attorney Collins stated the bond would guarantee the completion of the road.

Ms. Wood asked if the Highway Surveyor had been involved in this round of discussions. Ms. Kitchen stated he had not. Ms. Wood stated she was uncomfortable with this relocation and would like the Highway Surveyor to sign off on the completed road. Mr. Walker stated Mass Highway had reviewed the plan. Attorney Collins stated the Plan, as a conveyancer accompanied with the Order of Taking would only be used for the purposes intended.

Mr. Dillon asked if a motion was needed. Ms. Kitchen stated the Board only needed to sign the plan.

Ms. Wood asked if a new clearer plan could be produced. Ms. Kitchen stated the plan needed to be the same one as was approved at Town Meeting. The Board reviewed the submitted plan. Mr. Degen expressed the concern that an ANR lot was being created and the Board of Selectmen did not have the authority to do that. Attorney Collins referenced Note #5 on the map which stated that endorsement of this plan does not constitute approval of subdivision plans, just a road relocation plan.

Ms. Wood stated the bottom line was JNEI signing off on the drainage issue. Mr. Dillon stated that JNEI should be meeting with Ms. Collette tomorrow, however he would like Town Counsel clarification if the Board would be creating another lot. Mr. Dillon reiterated the three issues, which are: engineering for draining, reaffirmation from Kopelman & Paige and the issue of the bond.

Ms. Wood moved to approve the Mill Street relocation temporary easement covenant, 9/9/04 letter plan of Land prepared by Landtech, 8/26/04, contingent upon approval by JNEI Engineers relative to drainage and Kopelman & Paige relative to Note #4 and any parcels which may or may not be created on this plan and the bond in the amount of \$126,000 to be in effect, with \$99,500 tomorrow and the remainder before any work is done. Seconded by Mr. Cunningham. Unanimous vote.

Water Department RE: Construction Update

Mr. Tom Orcutt and Commissioner Chris Kelley were present for this portion of the meeting.

Mr. Orcutt stated work was progressing and should be beyond Champney Street. Mr. Orcutt stated that he had met with Mr. Dillon and Mr. Saball and discussed the two-part construction cleaning and relining of Main Street between the hours of 7:00 - 11:00 a.m. Mr. Cunningham stated there had been some issues with the contractor. Mr. Orcutt stated a separate meeting had been held with all interested parties. Mr. Orcutt stated the parties would be billed accordingly.

Mr. Dillon stated what he was now proposing was different from the previous discussion and he (Dillon) would like to meet again with Chief Mulhern and Highway Surveyor Tom Delaney and discuss it. Mr. Saball stated some issues had been the scheduling of officers and conflicts with their work schedules.

Employee Assistance Program

Ms. Valerie Jenkins was present for this portion of the meeting.

Ms. Kitchen explained the EAP gives minimal service but has been used by numerous employees in a variety of ways. Ms. Kitchen stated MIIA has allowed the Town to purchase a program, which offers more services for the cost of \$3.50 per personnel by-lay employee. Ms. Jenkins stated a face-to-face meeting helps alleviate larger expenses down the line. Mr. Dillon stated he would like to have some indication of the use thus far. Ms. Jenkins explained with the HIPPA constraints she would only be able to provide minimal information i.e. number of calls and types of calls. Mr. Cunningham asked if being proactive would have an impact on the Town's health insurance rates. Ms. Jenkins stated it would be worth mentioning.

Recreation Department RE: Update

Mr. Frank DiFranco, Ms. Kerry Strauss, Ms. Liza Judge, Mr. Steve Webber and Town Accountant Valerie Jenkins were present for this portion of the meeting.

Ms. Judge supplied a handout to the board, which is enclosed herein. Mr. DiFranco stated approximately \$16,000 had been received in revenues and Ms. Judge continues to reconcile the accounts. Mr. DiFranco stated the next step is to work on the budget for next year and the Committee will be requesting assistance. Mr. DiFranco stated the Committee had been informed they would have until October to provide a budget for what is expended, and as far as performance to date the Department is on schedule.

Mr. Cunningham stated the Warrant was open until Wednesday and he understood there was a place open for the Recreation Department. Ms. Kitchen stated Ms. Judge needed to present a correctly worded article for the warrant and has done this before. Mr. DiFranco stated they would not have the numbers. Ms. Kitchen stated the correct sum of money may be inserted at a later date and the Finance Committee and Board of Selectmen are having a joint public hearing on October 4, 2004. Mr. Webber stated there was a need to review the budget prior to the night of the meeting.

Mr. Dillon stated there was still an opening for a Recreation Commissioner and addressed viewing audience asking for someone volunteer.

Mr. Cunningham commended the Commissioners on the work they have done.

Connie Sartini and Jane Bouvier RE: 350th Calendars and Book

Ms. Connie Sartini and Ms. Jane Bouvier were present for this portion of the meeting.

Ms. Bouvier presented the cover for the Board's perusal of the 350th Anniversary Commemorative Cookbook, which covers the past 350 years focusing primarily on the last fifty years. Ms. Kitchen asked when the book would be available. Ms. Bouvier stated the book would be available in March; however gift certificates would be available at Grotonfest.

Ms. Sartini stated the 350th Anniversary Calendars were available and would be on sale at Grotonfest. Ms. Sartini stated it was a 15-month calendar from vintage postcards at a cost of \$12.00 and 1000 copies had been printed.

Ms. Bouvier stated that due to impending bad weather, Grotonfest would be held outside on Sunday if it rained on Saturday and at GDRS on Sunday if it rained.

Ms. Sartini stated a Gala Ball will be held on June 18, 2005; and only 400 pairs of tickets have been printed and are available by mail.

OTHER BUSINESS:

Approve Liquor Licenses (2) - Gibbet Hill Grill Restaurant & Function Hall, Lowell Road

****Ms. Wood removed herself from the meeting to avoid the appearance of a conflict of interest.****

Mr. Saball questioned the license fee asking if it would be prorated. Mr. Dillon stated the only other instance of request for prorating was Kelly's Lounge, which had ceased operation when the license was issued. Mr. Cunningham asked if the fee was annual. Ms. Kitchen stated it the license would expire in December. Mr. Cunningham asked if the applicant was aware of the fee. Ms. Kitchen stated the applicant was aware of the fee and had not requested prorating.

*Mr. Cunningham moved to approve the Common Victualler License, to serve All Kinds of Alcoholic Beverages, for Gibbet Hill Grill, LLC d/b/a Gibbet Hill Grill Restaurant, Thomas Totman, Manager, license to expire December 31, 2004 contingent upon receipt of Workers' Compensation Affidavit and receipt of the Town License fee. Seconded by Mr. Saball. 3 in favor, 1 abstention (Wood**).*

*Mr. Cunningham moved to approve the Common Victualler License, to serve All Kinds of Alcoholic Beverages, for Gibbet Hill Grill, LLC d/b/a Gibbet Hill Grill Function Hall, Thomas Totman, Manager, license to expire December 31, 2004 contingent upon receipt of Workers' Compensation Affidavit and receipt of the Town License fee. Seconded by Mr. Saball. 3 in favor, 1 absent (Nordblom), 1 abstention (Wood**).*

****Ms. Wood was recalled to the meeting.****

Reappointment - ConductorLab Oversight Committee - Kim Henry

Mr. Cunningham moved to appoint Kim Henry to the ConductorLab Oversight Committee for the one-year term to expire June 30, 2005. Seconded by Mr. Saball. 4 in favor, 1 absent (Nordblom).

Ms. Wood suggested having the Committee appears before the Board for an update.

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Amend One-Day License - Currier & Chives, October 8, 2004

Mr. Cunningham moved to amend the vote taken on July 19, 2004, to amend the One-Day License for Michael Adams of Currier & Chives on Friday, October 8, 2004, from Wine & Malt Beverages to All Alcohol from 6:00 p.m. to 11:00 p.m. Seconded by Mr. Saball. 4 in favor, 1 absent (Nordblom).

Filling Highway Vacancy

Mr. Cunningham moved to authorize the Highway Surveyor to fill the vacancy of Equipment Operator/Laborer. Seconded by Mr. Saball. 4 in favor, 1 absent (Nordblom).

West Groton Post Office RE: Request for Secondary Alternative Site

Mr. Dillon read a letter from the postmaster of the West Groton Post Office outlining the plan for a secondary alternative site in the event of an emergency, which could close the existing post office. A secondary site at Squannacook Hall would allow uninterrupted postal service to West Groton. Ms. Wood asked if the West Groton Post Office would pay rent and if the use of Squannacook Hall would interrupt programs. Mr. Dillon stated it was unclear from the letter. Ms. Wood stated she would like more information.

Mr. Cunningham moved to authorize the West Groton Post Office to utilize Squannacook Hall on West Main Street as a secondary alternative site in the event of emergency. Seconded by Mr. Saball. 3 in favor, 1 absent (Nordblom), abstention (Wood).

MINUTES

Mr. Cunningham moved to approve the Regular Session Minutes of July 19, 2004. Seconded by Ms. Wood. 4 in favor, 1 absent (Nordblom).

Mr. Cunningham moved to approve and not release the Executive Session Minutes of July 14, 2004. Seconded by Ms. Wood. 3 in favor, 1 abstention (Saball), 1 absent (Nordblom).

The minutes of the Regular Session of August 23, 2004 were tabled until Mr. Nordblom was present as Mr. Saball and Ms. Wood were not present at that meeting.

ADMINISTRATIVE OFFICER'S REPORT

Ms. Kitchen stated the lottery aid had been level-funded and \$69,700 was being returned to the Town. Ms. Kitchen asked if a Board member would be able to attend an Eagle Scout Ceremony. Mr. Saball stated he would be able to attend if Mr. Cunningham could not. Ms. Kitchen stated the 4-Corners contract had been awarded to E T & L in Acton.

SELECTMEN LIAISON REPORT

Mr. Dillon stated the Highway Garage West will be painted in October. Mr. Dillon stated he had attended the dedication of the Carol G. Wheeler Memorial Park on September 4, 2004 and he had forgotten to thank Hollingsworth & Vose for their help in dredging.

Mr. Cunningham moved to adjourn at 9:37 p.m. Seconded by Ms. Wood. 4 in favor, 1 absent (Nordblom).

Approved: _____
John L. Saball, Clerk

Respectfully submitted,
Kathleen Newell
Office Assistant

Date Approved: November 1, 2004

Attachment(1): Recreation Commission/Recreation Department Report to Board of Selectmen 9/13/04